

REMARKS

Claims 1-33 are pending. Claims 1-33 have been rejected.

35 U.S.C. § 102

Claims 1-33 are rejected under 35 U.S.C. § 102(e) as being anticipated by Ganuchau Jr. et al. (U.S. Patent No. 6,529,740). Applicants respectfully traverse the rejection.

Claim 1 of the Applicants' claimed invention recites, *inter alia*, sending a message to a controller, the message being for determining whether the communication device is a participant in the net and listing the communication device as a participant in the net if the controller sends a response to the message within a predetermined time period.

Ganuchau Jr. et al. discloses a group radio with subscriber-radio controlled channel selection. From the Abstract, a group control computer (28) constructs a channel list (126) which is downloaded to PTM subscriber radios (24). The channel list (126) identifies multipoint channels (52) and indicates when and where the channels (52) are active. Without emitting transmissions to the cellular radio infrastructure (22), PTM subscriber radios (24) autonomously switch to new multipoint channels (52) in response to their current time and location and the channel list (126).

The Applicants would like to note that Ganuchau Jr. et al. uses channel lists and channel list manipulations instead of basing it upon a communication device and making a separate determination (as opposed to the predetermined channel list of Ganuchau Jr. et al.) as to whether the communication device is a participant in the net.

Furthermore, the underlined portion of Ganuchau Jr. et al. emphasized above, "Without emitting transmissions to the cellular radio infrastructure (22), PTM subscriber radios (24)

autonomously switch to new multipoint channels (52) in response to their current time and location and the channel list (126).”

This is in direct contrast to the Applicants’ claimed invention where a message is sent to the controller for determining whether the communication device is a participant in the net.

Furthermore, Ganuchau Jr. et al. (col. 5, lines 4-11) discloses that in PTM communications, one subscriber radio 24 originates a transmission, referred to a monolog herein, which is broadcast to other subscriber radios 24 in the group. The originating subscriber radio 24 is called a monolog originator, and each of the other subscriber radios 24 to which the monolog is broadcast is a monolog target. The target of one monolog may originate a subsequent monolog.

It is respectfully submitted that Ganuchau Jr. et al. fails to teach or suggest at least the features of sending a message to a controller, the message being for determining whether the communication device is a participant in the net and listing the communication device as a participant in the net if the controller sends a response to the message within a predetermined time period.

Ganuchau Jr. et al. also discloses in col. 7, lines 18-32 that:

Base station PTP process 98 includes a query task 100 which determines if an incoming call is being directed to a PTP subscriber radio 26 (FIG. 1) through cellular radio infrastructure 22 (FIG. 1). In particular, task 100 may determine if the identity of a PTP subscriber radio 26 to which an incoming call is being directed is listed as being registered with the base station 32 performing process 98. If task 100 determines that an incoming call is being directed to a PTP subscriber radio 26 within the jurisdiction of base station 32, then a task 102 causes a incoming call page message to be sent on a paging channel 50 (FIG. 1) that the PTP subscriber radio 26 may be listening to. After task 102 and when task 100 determines that no incoming call is being directed to a PTP subscriber radio 26, a task 104 is performed.

Note the underlined section above stating that when task 100 determines that no incoming call is being directed to a PTP subscriber radio 26, a task 104 is performed. There is

no time based or time delay taught or suggested in the applied reference. More particularly, there is no teaching or suggestion of using a response within a predetermined time period as the basis for listing the communication device as a participant in the net.

Also, despite the Office Action generally referring the Applicants to the majority of the figures in the Ganucheau Jr. et al. (without reference to a particular functional block teaching a specific claim feature), the Applicants careful review of these figures does not appear to disclose a method of operation as disclosed by the Applicants. If the Examiner does not agree with our review, the Applicants would like the Examiner to point out the specific portion of the drawings (or specification) where the use of a predetermined time period as claimed by the Applicants is shown.

Therefore, for at least these reasons, it is respectfully submitted that the rejection be withdrawn and that claim 1 be allowed.

Claims 2-8 are dependent claims that depend upon independent claim 1 and should be allowed for at least the same reasons presented above regarding independent claim 1 as well as the additionally recited features found in these claims.

Claims 9, 17 and 25 are independent claims that depend upon independent claim 1 and should be allowed for at least the same reasons presented above regarding independent claim 1 as well as the additionally recited features found in these claims.

Claims 10-16, 18-24 and 26-33 are dependent claims that depend upon independent claims 9, 17 and 25 respectively and should be allowed for at least the same reasons presented above regarding the independent claims as well as the additionally recited features found in these claims.

CONCLUSION

In light of the amendments contained herein, Applicants submit that the application is in condition for allowance, for which early action is requested.

Please charge any fees or overpayments that may be due with this response to Deposit Account No. 17-0026.

Respectfully submitted,

Dated: August 22, 2005

By: 
John L. Ciccozzi
Reg. No. 48,984
(858) 845-2611

QUALCOMM Incorporated
Attn: Patent Department
5775 Morehouse Drive
San Diego, California 92121-1714
Telephone: (858) 658-5787
Facsimile: (858) 658-2502